IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1131 OF 2007

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri S.V.Dhakephalkar for the Petitioners.

CORAM : ABHAY S.OKA, J.

DATED : FEBRUARY 22, 2007.

P.C.:

1. By this Writ Petition under Article 227 of the Constitution of India, the Petitioners who are the Defendants have challenged the order date 16th September, 2006 by which the trial Court has permitted the Respondent-Plaintiff to amend the plaint. In case the Petitioners fail in the suit, they can always challenge the said order in an Appeal which may be preferred by them against the decree. The learned counsel for the Petitioner submits that by the proposed amendment, the first Respondent has amended description of the suit property and taking advantage of the amendment, now the Respondent may claim that the order of temporary injunction which was granted earlier

applies to the property which is incorporated by way of amendment. For this purpose this Writ Petition need not be entertained. The Petitioners can always file appropriate Application in the trial Court in that behalf. Subject to what is stated above, Writ Petition is rejected. All contentions of the parties are expressly kept open. It will be open for the Petitioners to file additional written statement to the amended plaint.

JUDGE